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AN ACT
RELATING TO PUBLIC HEALTH; ENACTING THE IMMUNIZATION ACT.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. A new section of Chapter 24, Article 5 NMSA 1978 is enacted to read:

"SHORT TITLE.--Chapter 24, Article 5 NMSA 1978 may be cited as the "Immunization Act"."

Section 2. A new section of Chapter 24, Article 5 NMSA 1978 is enacted to read:

"IMMUNIZATION REGISTRY--CREATION.--The department of health, in conjunction with the human services department, shall establish and maintain a state immunization registry. The registry shall be a single repository of accurate, complete and current immunization records to aid, coordinate and promote effective and cost-efficient disease prevention and control efforts."

Section 3. A new section of Chapter 24, Article 5 NMSA 1978 is enacted to read:

"REPORTING.--Physicians, nurses and other health care providers may report on immunization to the immunization registry unless the patient, or the patient's guardian if the patient is a minor, refuses to allow reporting of this information."

Section 4. A new section of Chapter 24, Article 5 NMSA

1 1978 is enacted to read:

2 "ACCESS.--Access to the information in the immunization
3 registry shall be limited to primary care physicians, nurses,
4 school nurses, managed care organizations and other
5 appropriate health care providers or public health entities
6 as determined by the secretary of health; provided that a
7 managed care organization shall be entitled to access
8 information only for its enrollees."

9 Section 5. A new section of Chapter 24, Article 5 NMSA
10 1978 is enacted to read:

11 "USE.--The information contained in the immunization
12 registry shall be used for the following purposes:

13 A. to ensure that the registrants receive all
14 recommended immunizations in a timely manner by providing
15 access to the registrant's immunization record;

16 B. to improve immunization rates by facilitating
17 notice to registrants of overdue or upcoming immunizations;
18 and

19 C. to control communicable diseases by assisting
20 in the identification of individuals who require immediate
21 immunization in the event of a disease outbreak."

22 Section 6. A new section of Chapter 24, Article 5 NMSA
23 1978 is enacted to read:

24 "RULES.--The secretary of health shall adopt rules for
25 the immunization registry pursuant to the Immunization Act

1 concerning the following:

2 A. the implementation and maintenance of the
3 registry;

4 B. requirements for content and submission of
5 reports of immunization to the registry;

6 C. procedures for the patient, or the patient's
7 parent or guardian if the patient is a minor, to decline to
8 participate in the registry;

9 D. procedures for the registrant, or the
10 registrant's parent or guardian if the registrant is a minor,
11 to review and correct information contained in the registry;

12 E. procedures for the registrant, or the
13 registrant's parent or guardian if the registrant is a minor,
14 to withdraw consent for participation at any time and to
15 remove information from the registry;

16 F. limits on and methods of access to the registry
17 by those authorized to gain access; and

18 G. procedures for managed care organizations to
19 obtain summary statistics of immunization information on
20 managed care organization members from the registry."

21 Section 7. A new section of Chapter 24, Article 5 NMSA
22 1978 is enacted to read:

23 "OBLIGATIONS.--Nothing in the immunization registry is
24 intended to affect the obligations of persons to have their
25 children immunized pursuant to the Immunization Act."

1 Section 8. A new section of Chapter 24, Article 5 NMSA
2 1978 is enacted to read:

3 "RIGHTS.--Nothing in the Immunization Act shall preclude
4 the right of the patient, or the patient's parent or guardian
5 if the patient is a minor, to claim exemption from
6 immunization as defined in Section 24-5-3 NMSA 1978; nor
7 shall anything in the Immunization Act require such patient
8 to be included in the immunization registry if the patient,
9 or the patient's parent or guardian if the patient is a
10 minor, objects on any grounds, including that such registry
11 conflicts with the religious belief of the patient, or the
12 patient's parent or guardian if the patient is a minor."

13 Section 9. A new section of Chapter 24, Article 5 NMSA
14 1978 is enacted to read:

15 "PARTICIPATION.--No health care provider shall
16 discriminate in any way against a person solely because that
17 person elects not to participate in the immunization
18 registry."

19 Section 10. A new section of Chapter 24, Article 5 NMSA
20 1978 is enacted to read:

21 "LIABILITY.--Any person reporting, receiving, using or
22 disclosing information to or from the immunization registry as
23 authorized by the Immunization Act or by any rule adopted
24 pursuant to that act shall not be liable for civil damages of
25 any kind connected with such submission, use or disclosure of

1 immunization information."

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